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CLERK  
U.S. BANKRUPTCY  
DISTRICT OF ARIZONA

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION

In re: JONATHAN B. WOODS,  
Debtor,

"BANK OF AMERICA, N.A., AS  
SUCCESSOR BY MERGER TO BAC  
HOME LOANS SERVICING, LP FKA  
COUNTRYWIDE HOME LOANS  
SERVICING LP, BY ITS  
ATTORNEY-IN-FACT CARRINGTON  
MORTGAGE SERVICES, LLC,"

"Movant,"

v.

JONATHAN B. WOODS, Debtor;  
Russell Brown, Chapter 13 Trustee,  
Respondents.

In Proceedings under Chapter 13

Case No.: 2:12-bk-13564-SSC

DEBTOR'S REQUEST TO ENLARGE  
TIME FOR WRITTEN OBJECTIONS  
— FRBP 9006(b)(1)

I have received service by mail of Movant's latest attempt to move this court for relief from the automatic stay.<sup>1</sup> I request this court to enlarge the time for me to file and serve my appropriate objections against Movant(s).

"CAUSE SHOWN"

I see the Federal Rules of Bankruptcy Procedure (FRBP) 9006(b)(1) provides "the court **for cause shown** may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed . . ."<sup>2</sup> According to Movant's "NOTICE

<sup>1</sup> See docket ##79-80

<sup>2</sup> Please note my emphasis added to quoted text is in boldface

OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY,”<sup>3</sup> so long as I file and serve this Request no later than Tuesday, October 13<sup>st</sup>, it is timely. Although I adamantly deny “Movant” is entitled to any relief whatsoever, I have every intention of timely filing and serving the appropriate written objections as mentioned for in that “NOTICE”:

“FURTHER NOTICE IS HEREBY GIVEN that pursuant to **Local Bankruptcy Rule 4001** if no objection is filed with the Court and a copy served on Movant...”<sup>4</sup>

*Movant is again* at fault for why I must request this extension, due to *again* failing to submit what this court requires.<sup>5</sup> Since Movant did not seek emergency relief *and* this property is my family residence, this court's “LOCAL RULES OF BANKRUPTCY PROCEDURE” 4001-1(b) *mandates* with its motion Movant was required to file a “Residential Property Pre-Filing Certification.”<sup>6</sup> Despite the fact Movant's own motion professes it to be familiar enough with “Local Rule 4001” to cite it as authority, it failed to include that Certification. Nor have I received either Movant's counsel's pre-filing letter or any other show of “sincere effort.”<sup>7</sup>

Additionally, Movant's failure to send that pre-filing letter this Rule mandates prejudiced me by arbitrarily cutting out the seven extra days' procedural due process protection this court's own rules impose.

In addition to the above failures, Movant has *again* failed to inform the court that the appeal regarding that same claim to my property remains pending before

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3 Docket #80

4 On PACER @ Case 2:12-bk-13564-PS Doc 80 Filed 09/29/15 Entered 09/29/15 15:19:36 Desc Main Document Page 2 of 3, lines 3-4

5 The record shows Movant's failure to either send me that pre-filing letter or include that certification with its motion is nothing new. See docket ##29, 32, 47

6 Available to all online @ <http://azb.uscourts.gov/rule-4001-1>

7 Rule 4001-1(b): “(ii) the letter was sent at least seven days prior to the filing of the motion.”

the Ninth Circuit Court of Appeals.<sup>8</sup>

Clearly Movant's Motion is not yet properly before the court and should not be considered.<sup>9</sup> By granting this Request, this court would restore to me what Movant wishes the court to *again* ignore – the procedural due process protection of adequate notice embodied by Local Bankruptcy Rule 4001-1.

#### RELIEF REQUESTED

I request this court enlarge the time for me to file and serve my appropriate objections against Movant's "MOTION FOR RELIEF FROM THE AUTOMATIC STAY" to no later than 30 days *after* I receive service of its amended motion showing it has complied with this court's Local Bankruptcy Rule 4001-1.

I also request the court reset any hearing or deadlines accordingly.

I expressly reserve the right to amend or supplement this Request as needed. I also expressly reserve the right to supplement this Request if I believe it is necessary. I also expressly invoke FRBP 1001 to apply to this and all my written submissions to this court.

*Submitted with all rights reserved on October 13, 2015*



Jonathan B. Woods, Debtor *pro se*

*I certify I mailed a true copy of this Request to  
"Movant's" attorneys and mailed it to the Trustee*

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8 Case # 12-17483; please note that record shows I served my opening brief on this same Movant *September 30, 2013*; Movant failed to submit an answering brief despite having been duly served

9 "Before a judge or court that is not the proper one or that cannot take legal cognizance of the matter." - Black's Law Dictionary 362 (8<sup>th</sup> ed. 2004)